

Response

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**REMARKS**

Claims 8-14 were pending in the application. Claims 8, 9 and 11 were rejected for the reasons discussed below. Claims 10 and 12-14 were objected as containing allowable subject matter but depending on a rejected base claim. Applicants would like to thank the Examiner for the early indication of allowable subject matter in claims 10 and 12-14.

Claims 8, 9 and 11 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Publication No. 2004/0178897 (*Fennel et al.*). It is submitted that the claims are patentable over the cited references for at least the following reasons.

*Fennel et al.* was published on September 16, 2004, and filed in the U.S. on January 8, 2004. The present application was filed in the U.S. on June 14, 2005 as the national stage of PCT/EP2003/013451 having an International filing date of November 28, 2003, and claiming foreign priority to DE 10259944.0 having a German filing date of December 20, 2002. Both the International filing date (11/28/2003) and the foreign priority date (12/20/2002) are earlier than *Fennel et al.* U.S. filing date (01/08/2004). Therefore, *Fennel et al.* does not qualify as prior art under 35 U.S.C. § 102(a) which requires publication "before the invention thereof by the applicant for a patent." Clearly, *Fennel et al.* published after the invention date of the present application. Furthermore, *Fennel et al.* can not qualify as prior art under 35 U.S.C. § 102(e) which requires publication of an application before the invention date. See M.P.E.P sections 2132, 2136, and 2136.03. Therefore, Applicants respectfully submit that *Fennel et al.* does not qualify as prior art under 35 U.S.C § 102(a) as prior art because it is an application that published after both the International filing date and the foreign priority date.

Independent claim 8 is drawn to a method of determining installation positions of wheels in a motor vehicle. The method includes receiving data from a tire pressure monitoring system (TPMS), receiving deflation data from an indirect tire pressure monitoring system, and using a correlation function to determine correlation coefficients from the TPMS data and the deflation data.

It is submitted that none of the cited references teach, suggest or disclose, either alone or in combination, the embodiment recited in claim 8. For example, *Fennel et al.*

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fails to disclose or suggest determining correlation coefficients.

Rather, *Fennel et al.* discloses a tire pressure monitoring system (TPMS) that uses has a direct measure tire pressure monitoring system and an indirect tire pressure monitoring system (DDS). The system detects that a tire loses pressure using the TPMS and then uses the DDS to detect a change in wheel rotation speed to determine the location of the low tire. However, *Fennel et al.* does not disclose determining correlation coefficients from the TPMS data and DDS data using a correlation function or automatically determining wheel positions.

Therefore, *Fennel et al.* fails disclose or suggest a method for determining installation positions of wheels in a motor vehicle including receiving data from a tire pressure monitoring system (TPMS), receiving deflation data from an indirect tire pressure monitoring system, and using a correlation function to determine correlation coefficients from the TPMS data and the deflation data. *Fennel et al.* discloses that when the TPMS detects a low tire pressure that the location of the low tire can be determined using the DDS.

For at least the reasons addressed above, it is submitted that independent claim 89 is clearly patentable over the cited reference. Claims 9-14 depend from independent claim 8. It is submitted that claims 9-14 are clearly patentable over the cited references for the reasons addressed above with respect to claim 8 and for the further features recited therein.

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**CONCLUSION**

For the foregoing reasons, Applicants respectfully submit that claims 8-14 are in condition for allowance. Accordingly, early allowance of claims 8-14 is earnestly submitted.

If the Examiner believes that a conference would be of value in expediting the prosecution of the Application, the Examiner is hereby invited to contact the undersigned agent to set up such conference.

Respectfully submitted,



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